

**POSSESSION OF A DANGEROUS WEAPON IN
A VEHICLE**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael T. Morley

LONG TITLE

General Description:

This bill modifies provisions of the Utah Code related to the possession, transporting, and storing of a concealed firearm in a vehicle.

Highlighted Provisions:

This bill:

- ▶ provides that a person, organization, or business entity may not prohibit an individual licensed to carry a concealed firearm from possessing, transporting, or storing the firearm or ammunition for the firearm in a vehicle lawfully in the individual's possession;
- ▶ provides for damages in a civil action for an injury suffered from prohibiting a licensed concealed firearm carrier from possessing, transporting, or storing the firearm in a vehicle; and
- ▶ provides that a person may not be held civilly liable for allowing a licensed concealed firearm carrier to possess, transport, or store the firearm in the carrier's vehicle.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



ENACTS:

63-98-103, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63-98-103** is enacted to read:

63-98-103. Possession of a concealed firearm in a vehicle.

(1) A person, organization, or business entity may not prohibit an individual licensed to carry a concealed firearm for lawful self defense under Title 53, Chapter 5, Part 7, Concealed Weapons, from possessing, transporting, or storing the firearm or ammunition for the firearm in a vehicle lawfully:

(a) in the individual's possession; or

(b) under the individual's control.

(2) (a) A person, organization, or business entity that violates Subsection (1) is liable for civil damages for an injury suffered by the individual referred to in Subsection (1) due to the violation of Subsection (1) by the person, organization, or business entity.

(b) Workers compensation insurance is not a bar to an action for tort damages by an individual identified in Subsection (1) who suffers an injury under Subsection (2).

(c) A person, organization, or business entity may not be held liable in a civil action for complying with Subsection (1).

Legislative Review Note
as of 2-15-05 12:35 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note**Possession of a Dangerous Weapon in a Vehicle***19-Feb-05***Bill Number HB0332***10:35 AM*

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact for individuals who comply with the laws and statutes of the state.

Office of the Legislative Fiscal Analyst